

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
MAMA K. JAMMEH,	:
	:
Plaintiff,	:
-v-	:
	:
	: <u>ORDER</u>
THE CITY OF NEW YORK; THE NEW YORK	:
CITY DEPARTMENT OF CORRECTION;	:
COMMISSIONER CYNTHIA BRANN; CORRECTION	:
OFFICER DIEDRE MARSHALL; CORRECTION	:
OFFICERS "JANE DOES #1-5"; and	:
CORRECTION OFFICERS AS YET	:
UNIDENTIFIED IN THEIR OFFICIAL AND	:
INDIVIDUAL CAPACITIES,	:
	:
Defendants.	:
	:
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DENISE COTE, District Judge:

This case was filed on November 17, 2019. On March 18, 2020, a telephonic pretrial conference was held. At that conference, the Court granted the defendants' unopposed January 29, 2020 partial motion to dismiss the complaint, which left Correction Officer Diedre Marshall as the sole remaining defendant in this action. At the March 18 conference, the parties also informed the Court that the plaintiff had not yet served any of the defendants, including Marshall, in violation of Rule 4(m), Fed. R. Civ. P., which provides that a plaintiff has 90 days to serve the complaint, or an action must be dismissed.

On April 1, the defendants moved to dismiss the remaining claims against Marshall for insufficient service of process, pursuant to Rule 12(b)(5), Fed. R. Civ. P. The same day, the plaintiff was ordered to file any opposition to this motion by April 17. The plaintiff has filed no such motion. To date, the plaintiff has neither requested issuance of a summons, nor filed proof of service on the docket. Accordingly, it is hereby

ORDERED that the defendants' unopposed April 1 motion to dismiss is granted. The Clerk of Court shall close this case.

Dated: New York, New York
April 20, 2020



DENISE COTE
United States District Judge